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10/792,312	03/03/2004	Peggy Hasan	LUTZ 2 00291	4356
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FAY SHARPE/LUCENT 1100 SUPERIOR AVE SEVENTH FLOOR CLEVELAND, OH 44114			EXAMINER YOUNG, JANELLE N	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/792,312

Applicant(s)

HASAN ET AL.

Examiner

Janelle N. Young

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2007.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-25 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 03 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed April 25, 2007 have been fully considered but they are not persuasive.

a. Applicant argues that Mazzara et al. does not teach relate to systems (and methods) within a network for allowing a user to initiate a process for performing vehicle functions on a vehicle through a remote mobile communication device wherein the network switching element comprises various features and the system itself includes various components, and associated methods.

However, Van Bosch discloses switching networks having wireless capabilities for new telematics, packet data, paging, and communication (Page 1, Para 0003 & 0017 of Van Bosch)

b. In addition, the applicant argues that Mazzara does not describe a recognition module operative to recognize a request to initiate a process for performing vehicle functions from a remote mobile communication device.

Mazzara et al. does teach a recognition module operative to recognize a request (Page 2, Para 0012; Page 3, Para 0025 & 0027-0028; and Page 4, Para 0030 & 0034 of Mazzara et al.). However, Van Bosch also discloses a voice recognition system and can determine request made to the vehicle from the remote communication device (Page 2, Para 0020 and Page 4, Para 0041-Page 10, Para 0043 of Van Bosch).

c. In addition, Mazzara does not disclose an authentication module operative to authenticate that the user is valid and determine vehicles upon which the remote mobile communication device may initiate the vehicle functions.

Mazzara et al. does teach a module operative to authenticate that the user is valid (Page2, Para 0028; Page 4, Para 0036 & 0039; and Page 5, Para 0046 of Mazzara et al.). However, Van Bosch also discloses authentication information (Page 2, Para 0025; Page 3, Para 0028- Page 5, Para 0044 of Van Bosch).

d. Applicant argues that Mazzara does not disclose a communication module within a switching element that is operative to transmit command signals to the vehicle to perform the selected vehicle functions.

Mazzara et al. does a mobile switching center in the communication network (Page 2, Para 0012 & 0018; Page 3, Para 0025 & 0027-0028; and Page 4, Para 0030 & 0034 of Mazzara et al.). However, Van Bosch also discloses that the telematic communication system can control operations in the vehicle (Page 2, Para 0026 and Page 4, Para 0038 of Van Bosch).

Response to Amendment

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Bosch (US Pub 2003/01033482) and further in view of Mazzara et al. (US Patent 2004/0012501).

As for claim 1, Van Bosch teaches a system including a network switching element for allowing a user to initiate a process for performing vehicle functions on a vehicle through a telematic communication units (TCU's), include devices such as cellular phones; which reads on claimed remote mobile communication device, the ~~system~~ network switching element (Page 1, Para 0003 & 0017 of Van Bosch), comprising: and a communication module operative to transmit command signals to the vehicle to perform a selected vehicle function based on results of the query (Page 2, Para 0026 and Page 4, Para 0038 of Van Bosch).

However, Mazzara et al. discloses teaches a system for allowing a user to initiate a process for performing vehicle functions on a vehicle through a telematic communication units (TCU's), include devices such as cellular phones; which reads on claimed mobile communication device. an automated speech recognition (ASR) units (Fig. 1:157); which reads on claimed recognition module operative, to recognize a request to initiate the process for performing the vehicle functions from the mobile communication device (Page 2, Para 0012; Page 3, Para 0025 & 0027-0028; and Page 4, Para 0030 & 0034 of Mazzara et al.); Mazzara et al. discloses teaches an authentication module operative to authenticate that the user is valid and determine vehicles upon which the mobile communication device may initiate the vehicle functions (Page2, Para 0028; Page 4, Para 0036 & 0039; and Page 5, Para 0046 of Mazzara et

al.); and Mazzara et al. discloses teaches a query module operative to query the user through the mobile communication device as to which of the vehicle functions is to be performed (Page 1, Para 0016; Page 2, Para 0026-0028; Page 4, Para 0035; and Page 5, Para 0047 of Mazzara et al.).

It would have been obvious to one of ordinary skill of the art at the time the invention was made to incorporate a method for providing activation parameters for a telematic device by receiving at least one telematic device specific activation attribute from a telematic device manufacturer at a remote activation server as taught by Mazzara et al., in the method of enabling communication with a wireless communication device Van Bosh, because Van Bosh already teaches a method of enabling communication with a wireless communication device is described (Abstract of Van Bosch).

The motivation of this combination would provide a unique identifier of the wireless communication device from the second wireless communication device to a wireless communication network; communicating with the wireless communication device; and optimize the creation and collection of activation attribute information for a telematic communication unit and it's associated equipment.

As for claim 2, Mazzara et al. teaches a system for allowing a user to initiate a process for performing vehicle functions on a vehicle through a telematic communication units (TCU's), include devices such as cellular phones; which reads on claimed remote mobile communication device, wherein the request comprises an

Art Unit: 2618

activation code (Page 1, Para 0001 & 0008-0011 and Page 2, Para 0015 & 0028 of Mazzara et al.).

As for claim 3, Mazzara et al. teaches a system for allowing a user to initiate a process for performing vehicle functions on a vehicle through a telematic communication units (TCU's), include devices such as cellular phones; which reads on claimed remote mobile communication device, wherein the authentication module is operative to access mobile identification numbers (MINs) and vehicle identification numbers (VINs) stored in a subscriber database (Page 4, Para 0036-0039 and Page 5, Para 0045, 0047, & 0049-0051 of Mazzara et al.).

As for claim 4, Mazzara et al. teaches a system for allowing a user to initiate a process for performing vehicle functions on a vehicle through a telematic communication units (TCU's), include devices such as cellular phones; which reads on claimed remote mobile communication device, wherein the vehicle functions comprise at least one of locking doors on the vehicle, unlocking doors on the vehicle, and starting the vehicle (Page 3, Para 0026-0027 of Mazzara et al.).

As for claim 5, Mazzara et al. teaches a system for allowing a user to initiate a process for performing vehicle functions on a vehicle through a telematic communication units (TCU's), include devices such as cellular phones; which reads on claimed remote mobile communication device, further comprising a receiver disposed within the vehicle operative to receive the command signals from the communication module (Page 1, Para 0001, 0008-0011; Page 2, Para 0016-0017; Page 3, Para 0022-0023; Page 4, Para 0039; and Page 5, Para 0047 of Mazzara et al.).

As for claim 6, Mazzara et al. teaches a system for allowing a user to initiate a process for performing vehicle functions on a vehicle through a telematic communication units (TCU's), include devices such as cellular phones; which reads on claimed remote mobile communication device, further comprising a control module disposed within the vehicle operative to initiate the selected function based on the command signals received by the receiver (Page 2, Para 0015 & 0019 and Page 3, Para 0023-0028 of Mazzara et al.).

As for claim 7, Mazzara et al. teaches a system for allowing a user to initiate a process for performing vehicle functions on a vehicle through a telematic communication units (TCU's), include devices such as cellular phones; which reads on claimed remote mobile communication device, further comprising a transceiver disposed within the vehicle operative to receive the command signals from the communication module and transmit signals back to the communication module (Page 1, Para 0002 & 0015-0017 and Page 3, Para 0022 & 0024-0025 of Mazzara et al.).

As for claim 8, Mazzara et al. teaches a system for allowing a user to initiate a process for performing vehicle functions on a vehicle through a telematic communication units (TCU's), include devices such as cellular phones; which reads on claimed remote mobile communication device, further comprising a control module disposed within the vehicle operative to initiate the selected function based on the command signals received by the transceiver (Fig. 3; Page 1, Para 0009-0011 & 0019; Page 2, Para 0016; Page 3, Para 0028; and Page 4, Para 0035 of Mazzara et al.).

As for claim 9, Mazzara et al. teaches a system for allowing a user to initiate a process for performing vehicle functions on a vehicle through a telematic communication units (TCU's), include devices such as cellular phones; which reads on claimed remote mobile communication device, further comprising a second communication module operative to provide information to the transceiver to transmit the signals (Page 2, Para 0017 & 0020 of Mazzara et al.).

Regarding claim 10, see explanation as set forth regarding claim 1 (system claim) because the claimed method for allowing a user to initiate a process for performing vehicle functions on a vehicle through a remote mobile communication device would perform the system steps.

Regarding claim 11, see explanation as set forth regarding claim 2 (system claim) because the claimed method for allowing a user to initiate a process for performing vehicle functions on a vehicle through a remote mobile communication device would perform the system steps.

As for claim 12, Mazzara et al. teaches a method for allowing a user to initiate a process for performing vehicle functions on a vehicle through a telematic communication units (TCU's), include devices such as cellular phones; which reads on claimed remote mobile communication device, wherein authenticating that the user is valid comprises accessing a subscriber database (Page 5, Para 0046-0048 of Mazzara et al.).

Regarding claim 13, see explanation as set forth regarding claim 3 (system claim) because the claimed method for allowing a user to initiate a process for

performing vehicle functions on a vehicle through a remote mobile communication device would perform the system steps.

Regarding claim 14, see explanation as set forth regarding claim 4 (system claim) because the claimed method for allowing a user to initiate a process for performing vehicle functions on a vehicle through a remote mobile communication device would perform the system steps.

Regarding claim 15, see explanation as set forth regarding claim 5 (system claim) because the claimed method for allowing a user to initiate a process for performing vehicle functions on a vehicle through a remote mobile communication device would perform the system steps.

Regarding claim 16, see explanation as set forth regarding claim 6 (system claim) because the claimed method for allowing a user to initiate a process for performing vehicle functions on a vehicle through a remote mobile communication device would perform the system steps.

Regarding claims 17 & 19, see explanation as set forth regarding claim 7 (system claim) because the claimed method for allowing a user to initiate a process for performing vehicle functions on a vehicle through a remote mobile communication device would perform the system steps.

Regarding claim 18, see explanation as set forth regarding claim 8 (system claim) because the claimed method for allowing a user to initiate a process for performing vehicle functions on a vehicle through a remote mobile communication device would perform the system steps.

Regarding claim 20, see explanation as set forth regarding claim 1 (system claim) because the claimed system with means for allowing a user to initiate a process for performing vehicle functions on a vehicle through a remote mobile communication device would perform the system steps.

Regarding claims 21 & 23, see explanation as set forth regarding claim 5 (system claim) because the claimed system with means for allowing a user to initiate a process for performing vehicle functions on a vehicle through a remote mobile communication device would perform the system steps.

Regarding claims 22 & 24, see explanation as set forth regarding claim 6 (system claim) because the claimed system with means for allowing a user to initiate a process for performing vehicle functions on a vehicle through a remote mobile communication device would perform the system steps.

Regarding claim 25, see explanation as set forth regarding claim 7 (system claim) because the claimed system with means for allowing a user to initiate a process for performing vehicle functions on a vehicle through a remote mobile communication device would perform the system steps.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

King (US Patent 6308083) relates to an inventive cellular telephone includes a telephone for transmitting outgoing telephone call signals and receiving incoming

Art Unit: 2618

telephone call signals and a transmitter for producing a wireless control signal to operate a remote device. The remote device may be a remote keyless entry system, a garage door opener, an estate gate opener, a home security system, a home lighting system, or some other system. To reduce cost, a single transmitter may produce both the control signal and the outgoing telephone call signals. In a preferred embodiment, the transmitter may be programmed to reproduce one or more unique control signals to operate several remote devices.

Meier (US Patent 6323566) invention relates to the field of compact, radio frequency (RF) transponders of the type known to be useful in systems for security and information storage, access control, entry validation and identification, and in other comparable systems. Such a system requires an interrogator circuit built into a road vehicle or building, for example, and a remote transponder which incorporates transmitting and receiving circuits in a compact case that may be carried by a person in a key, a key fob, a badge, a tag or in any similar miniaturized housing. More particularly this invention relates to a transponder in a road vehicle or automotive remote keyless entry and immobilization system which is functional over an increased range in active and passive modes of operation. This invention further relates to a transponder which utilizes a secure challenge-response encryption technique to provide greater security for the user.

Bartz (US Patent 6535107) invention relates to an identification device for the user of a vehicle, having a mobile transponder that contains a memory for an authorization code and a transmitting-receiving device for transmitting the authorization

code to a vehicle-fixed receiver. Identification devices of this type are generally known. The transponder is preferably connected with a mechanical key to form a constructional unit. In addition, stand-alone systems are known such as in European Patent document EP 452 346 B. Such systems are often called keyless entry or passive entry systems.

Muller (US Pub 2004/0066092) invention concerns a locking system. The access authorization and driving authorization are determined by communication devices, whose stationary parts are located in the vehicle and whose mobile parts are integrated in a wireless hand telephone, which hereinafter will be referred to simply as a "mobile phone". This type of communication is called "keyless-entry" communication.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2618

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janelle N. Young whose telephone number is (571) 272-2836. The examiner can normally be reached on Monday through Friday: 8:30 am through 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JNY
July 11, 2007


NAY MAUNG
SUPERVISORY PATENT EXAMINER